

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

KELLY J. GRIGGS,

Plaintiff,

-vs-

WINGARD TRANSPORT, LLC, an
Oklahoma limited liability company,
et al.,

Defendants.

Case No. CIV-20-1287-F

ORDER


CRST Expedited, Inc.’s amended motion to intervene is before the court. Doc. no. 19. Any objection to the motion was due February 26, 2021. No objection, and no request for an extension of time within which to object, has been filed. Doc. no. 19.

The motion to intervene is **GRANTED** on the ground that it has been confessed. *See*, LCvR7.1(g) (any motion not opposed within twenty-one days may, in the discretion of the court, be deemed confessed). Accordingly, a Petition In Intervention which complies with the requirement stated below **SHALL** be filed within seven days of today’s date.

The proposed Petition in Intervention attached to the motion as an exhibit does not identify the state in which the intervening party, CRST Expedited, Inc., is incorporated or the state in which it has its principal place of business. The court has a duty to assess its jurisdiction. Tuck v. United Services Automobile Assoc., 859 F.2d 842, 844 (10th Cir. 1998); *and see*, Salt Lake Tribune Publishing Co., LLC v. AT&T Corp., 320 F.3d 1081, 1096 (10th Cir. 2003) (once established, diversity

jurisdiction is not defeated by the addition of a non-diverse party; however, diversity jurisdiction will be destroyed if it is determined that the later-joined, non-diverse party was indispensable to the action at the time it commenced). Accordingly, when the Petition in Intervention is filed, it **SHALL** set forth the specific states in which CRST Expedited, Inc. is incorporated and has its principal place of business. After reviewing those allegations, the court will determine whether further motions or briefing are required with respect to jurisdiction.

IT IS SO ORDERED this 1st day of March, 2021.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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